

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

- against -

Docket No. 15 Cr. 95 (PGG)

Docket No. 15 Cr. 593 (JPC)

DOUGLAS McLARTY,

Defendant.

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REQUEST FOR A CONTINUANCE

(Request to For a Continuance of Scheduled Violation of Supervised Release Hearing & Sentencing)

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MEMO ENDORSED

The request for a continuance is denied.

SO ORDERED:

Paul G. Gardephe
Paul G. Gardephe, U.S.D.J.
July 28, 2022

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STEVEN Z. LEGON
OF COUNSEL

July 28, 2022

Hon. Paul G. Gardephe
United States District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: *United States v. Douglas McLarty*,
Docket No. 15 Cr. 95 (PGG) and Docket No. 15 Cr. 593 (PC)

Dear Judge Gardephe:

As the court is aware, the above dockets were previously scheduled for a supervised release hearing and sentencing on Wednesday, July 27, 2022, at 2:15 p.m. However, on that date, the court was informed by officials at the Essex County Correctional Facility that Douglas McLarty had refused to attend court proceedings, and therefore, he was not produced in court for the scheduled supervised release hearing. The court has since rescheduled the supervised release hearing and sentencing for Friday, July 29, 2022 at 3:30 p.m.

I had an opportunity to meet with Douglas McLarty at Essex County Correctional Facility earlier this morning. During the meeting, I discussed with Douglas McLarty the past occasions wherein he has refused to attend court proceedings. I explained to Douglas McLarty that his continued refusal to attend court proceedings had several dire consequences one of which is that the court could issue a "force order" to compel his attendance. I explained to Douglas McLarty that the court had rescheduled the supervised release hearing and sentencing for tomorrow, Friday, July 29, 2022 at 3:30 p.m. I also informed Douglas McLarty that I had spoken to his mother and that she stated that she would, in fact, be present for tomorrow's court proceedings. Finally, I informed Douglas McLarty that his refusal to attend the supervised release hearing and sentencing for

tomorrow, Friday, July 29, 2022 would have dire consequences, one of which is that the court could issue a “force order” to compel his attendance.

Although a great deal of patience is always required when discussing matters related to court with Douglas McLarty, I am confident that he has a grasp of the need for him to attend tomorrow’s court proceedings, and that his refusal would result in the consequences discussed above.

Finally, Douglas McLarty has requested that counsel file a request for a continuance of the supervised release hearing and sentencing. The grounds for the continuance is so that Douglas McLarty could have an opportunity to bond with his recently born son during special family “bonding” visits at the Essex County Correctional Facility that permits special contact visits between the detainees and their new born or young children. Although the special contact visits are not presently available for detainees, Douglas McLarty was of the belief that those visits would resume over the next month or so. I explained to Douglas McLarty that it would be unlikely that the court would grant such a continuance, particularly since the special visits are not presently available and there is no certainty whether and when such visits would resume. Douglas McLarty nevertheless pleaded with counsel to make the request on his behalf and on behalf of his son. I informed Douglas McLarty that although I would file the request, he should nevertheless be prepared to attend court proceeding tomorrow for the supervised release hearing and sentencing. Douglas McLarty understood that he should be prepared to attend tomorrow’s court proceedings, even though an unlikely request for a continuance would be filed on his behalf.¹

Respectfully,

Anthony L. Ricco

Anthony L. Ricco

ALR/jh

cc: AUSA Mitzi Steiner (By ECF)

AUSA Samuel Rothschild (By ECF)

¹ Before exiting the Essex County Correctional facility, I had a conversation with staff concerning the status of the special “bonding” visits between detainees and their young children. I was advised that such visits did, in fact, but that they were long ago terminated as a result of the COVID-19 pandemic and have not been reinstated. In addition, moments ago, I spoke with Douglas McLarty’s fiancé, who stated that she would “call out” of work and be present for tomorrow’s court proceedings.